

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JIMMY L. ADKINS, KEREM BAY, LANA BONGIOVI,
CLEMENT CAMPBELL, ANGELO CARPOLA,
ALEXANDER CIOFFI, PATRICK H. CRAIN, DAVID
CRONK, NANCY F. DEBE, DENNIS DELUCIE,
CHARLES J. ENGEL, MATTHEW FARRELL, BENNY
FAILLA, ROBERT J. GIANI, JOHN R.
LACKENBAUER, JEAN-PARNELL LOUIS, WILLIAM
J. MAHER, MICHAEL G. MCDOWELL, JOHN ROSSI,
WILLIAM R. SHANNON, FRED H. SMITH, GARY E.
SOBEK, DAMIAN SOBERS, CARMELA SZYMANSKI,
ANTHONY TANZA, and CYNTHIA TORRES,

Civil Action No. 17-cv-02532 (JMA)¹

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

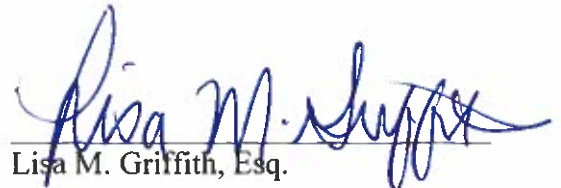
**DECLARATION OF LISA M. GRIFFITH IN SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION TO VACATE AND REMAND**

I, Lisa Griffith, declare under penalties of perjury pursuant to 28 U.S.C. §1746 as follows:

1. I am counsel for Defendant in the above action. The purpose of this Declaration is to identify the exhibit attached hereto.

2. Attached as **Exhibit 1** is a true and accurate copy of the relevant excerpts of the transcript of Plaintiff John Rossi's deposition taken on June 29, 2022.

Dated this 19th day of February, 2024.


Lisa M. Griffith, Esq.

¹ Plaintiffs incorrectly captioned the Civil Action Number on their moving papers as 16-cv-00641. That Civil Action Number belongs to a related and dismissed case (*D'Aguino v. Garda*) which this case was consolidated with for filing purposes. The Civil Action Number assigned to this case is 17-cv-02532.

EXHIBIT 1

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF QUEENS

3 -----X
4 JIMMY L. ADKINS, KEREM BAY, LANA
5 BONGIOVI, CLEMENT CAMPBELL, ANGELA
6 CAROPOLA, ALEXANDER CIOFFI, PATRICK H.
7 CRAIN, DAVID CRONK, NANCY F. DEBE,
8 DENNIS DELUCE, CHARLES J. ENGEL,
9 MATTHEW FARRELL, BENNY FAILLA, ROBERT J.
10 GIANI, JOHN J. LACKENBAUER,
11 JEAN-PARNELL LOUIS, WILLIAM J. MAHER,
12 MICHAEL G. MCDOWELL, WILLNER JEAN PIERRE,
13 JOHN ROSSI, WILLIAM R. SHANNON, FRED H.
14 SMITH, GARY E. SOBEK, DAMIAN SOBER,
15 CARMELA SZYMANSKI, ANTHONY TANZA and
16 CYNTHIA TORRES,

17
18 Plaintiffs,
19 -against- Index No. 3124/17
20 GARDA CL ATLANTIC, INC.,
21 Defendant.

22 -----X

23 DEPOSITION VIA ZOOM OF JOHN ROSSI
24 June 29, 2022
25

26 Reported by:
27 SARA FREUND, CSR

1 J. ROSSI

2 Q. What do you mean by "changed it back
3 to Fitzgerald"?

4 A. After we were divorced, it was many
5 years, so I think it was like last month she
6 actually changed it back to Fitzgerald.

7 Q. Is that her mother's last name?

8 A. That's her mother's last name,
9 correct.

10 Q. Does anyone else live in your
11 household with you?

12 A. No, ma'am.

13 Q. What is your current address?

14 A. 9 San Pablo Lane, Port St. Lucie,
15 Florida 34952.

16 Q. How long have you lived at that
17 address?

18 A. Six years.

19 Q. What type of home is it?

20 A. A mobile home.

21 Q. Do you own or rent?

22 A. I own.

23 Q. Do you own any other property?

24 A. No, ma'am.

25 Q. Are you a partial owner of any other

1 J. ROSSI

2 properties?

3 A. I don't understand.

4 Q. Are you a partial owner of any
5 property? Do you share ownership with
6 someone?

7 A. I'm sorry. No.

8 Q. Do you rent property anywhere?

9 A. No, ma'am.

10 Q. Do you lease any property?

11 A. No, ma'am.

12 Q. Where did you attend high school?

13 A. Holy Family High School in South
14 Huntington.

15 Q. That was St. Anthony's, correct?

16 A. Oh, yeah, that's right, correct.

17 Q. And you graduated from there?

18 A. Yes, ma'am, 1981.

19 Q. Did you go to college?

20 A. No, ma'am.

21 Q. Did you attend any sort of education
22 courses or anything like that?

23 A. No, ma'am.

24 Q. Any trade schools?

25 A. No, ma'am.

1 J. ROSSI

2 Q. Are you a veteran?

3 A. No, ma'am.

4 Q. Are you a member of any clubs or
5 groups or organizations, anything like that?

6 A. No, ma'am, no.

7 Q. Do you volunteer any of your time
8 for any organizations?

9 A. No, ma'am.

10 Q. Do you have any professional
11 licenses or certificates?

12 A. I'm certified -- it's like when you
13 save somebody from choking, that's my
14 certification.

15 Q. CPR?

16 A. I'm sorry, CPR.

17 Q. Do you want to take a break?

18 A. No, ma'am, it's okay. I want to be
19 as honest as I could be.

20 Q. Okay, thank you. Where did you live
21 when you attended high school?

22 A. It was actually -- you need the
23 whole address or just where?

24 Q. Whatever you can remember of it?

25 A. It was actually Winedash (phonetic),

1 J. ROSSI

2 New York.

3 Q. And how long did you live at the
4 address in Winedash?

5 A. Thirty-three years.

6 Q. Is that the first address you had as
7 a child growing up?

8 A. Yes, ma'am.

9 Q. And you lived there until you were
10 33; is that correct?

11 A. Correct.

12 Q. Who did you live with?

13 A. My mother and father and my sister.

14 Q. What is your date of birth?

15 A. Mine?

16 Q. Yes.

17 A. 5/29/1962.

18 Q. After you no longer resided at the
19 Winedash address where did you live after
20 that?

21 A. Mineola, New York.

22 Q. Do you recall the address there?

23 A. No, I'm sorry.

24 Q. Who did you live with in Mineola?

25 A. Amy Fitzgerald.

1 J. ROSSI

2 Q. How long did you live there?

3 A. Two years.

4 Q. Where did you live after that
5 Mineola address?

6 A. I actually can't remember. It
7 wasn't Yaphank, New York. It was --

8 Q. Take your time, we're not in a rush.

9 A. I understand.

10 Q. Sometimes people get nervous trying
11 to remember things, so just take your time
12 and relax and think about it. Is it safe to
13 say it was somewhere in Eastern Long Island?

14 A. Oh, yes, yes, yes, ma'am.

15 Q. For how long did you live in
16 Eastern, Long Island?

17 A. Four years.

18 Q. Who did you live with there?

19 A. Amy Fitzgerald.

20 Q. Do you know where you lived after
21 that?

22 A. Oh, I'm sorry, Lake Grove, New York.

23 Q. Do you recall how long you lived in
24 Lake Grove?

25 A. Three years.

1 J. ROSSI

2 Q. Who did you live with in Lake Grove?

3 A. Patty Formicola.

4 Q. Is that your current wife?

5 A. Yes, ma'am. We weren't actually
6 married at the time.

7 Q. Fair enough. And did any of your
8 children live with you at that time?

9 A. Yes, actually both of them.

10 Q. Both of Patty's children?

11 A. Yes, ma'am.

12 Q. Where did you live after Lake Grove?

13 A. Centereach, New York.

14 Q. How long did you live there?

15 A. I believe it was four years.

16 Q. And who did you live with there?

17 A. My wife at the time and my two step-
18 children.

19 Q. So at that point you were married to
20 Patty; is that correct?

21 A. Yes, ma'am.

22 Q. I'm going to ask where you lived
23 after Centereach.

24 A. Oh, I'm sorry, Lake Ronkonkoma.

25 Q. How long did you live there?

1 J. ROSSI

2 A. Three years.

3 Q. And who did you live with there?

4 A. My wife and stepchildren.

5 Q. Do you recall what year it was that
6 you were living in Lake Ronkonkoma?

7 A. I really don't think I can even
8 guess. I mean, I can ask my wife, but you
9 don't want her to know anything so...

10 Q. Was it in the nineties, 2000s?

11 A. 2000s.

12 Q. Where did you live after Ronkonkoma?

13 A. We actually moved to Florida.

14 Q. So do you recall what was the date
15 that you moved from Lake Ronkonkoma to
16 Florida?

17 A. It had to be February 2015 to
18 present.

19 Q. When did you first start going to
20 Florida?

21 A. February, when I got transferred
22 from Garda in Long Island City.

23 Q. February what year?

24 A. That would be 2015.

25 Q. But you were visiting Florida before

1 J. ROSSI

2 that, right?

3 A. No, ma'am. Garda ended in 2015 of
4 January, I moved to Florida in February.

5 Q. But you rented in Florida before
6 that, correct?

7 A. Oh, yes, yes, correct.

8 Q. When did you start renting in
9 Florida?

10 A. 2015.

11 Q. Did you ever have a residence in
12 Florida before 2015?

13 A. No, ma'am.

14 Q. So you never had an apartment before
15 2015 in Florida?

16 A. No, ma'am.

17 Q. You never rented a mobile home or
18 any other type of property in Florida prior
19 to 2015?

20 A. No, ma'am.

21 Q. In Lake Ronkonkoma did you own or
22 rent?

23 A. I rented, ma'am.

24 Q. What type of housing was it?

25 A. It was actually a house, we had the

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J. ROSSI

upper half.

Q. Did you have a lease?

A. No, ma'am. It was actually a friend of ours.

Q. What's the friend's name?

A. I actually can't recall. It was my wife's friend from work.

Q. So she rented the upstairs of her house to you; is that correct?

A. That's correct, yes.

Q. I'll call for the production of the name of the person who you rented from in Lake Ronkonkoma.

A. Okay.

Q. When you lived in Centereach did you own or rent?

A. We rented.

Q. Did you have a lease there?

A. Yes.

Q. I'm calling for the production of that lease, please. Do you know what years you lived in Centereach?

A. No, ma'am, but I can definitely get all this information for you.